

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL LAYTON,

Plaintiff,

vs.

MDOC,

Defendant.

2:20-CV-13428-TGB-KGA

HON. TERRENCE G. BERG
HON. KIMBERLY G. ALTMAN

**ORDER ADOPTING REPORT
AND RECOMMENDATION
(ECF NO. 23)**

This matter is before the Court on Magistrate Judge Kimberly G. Altman’s August 17, 2022 Report and Recommendation (ECF No. 23), recommending that Defendant Michigan Department of Corrections’ Motion for Summary Judgment (ECF No. 18) be **DENIED**.

The Court has reviewed the Magistrate Judge’s Report and Recommendation. The law provides that either party may serve and file written objections “[w]ithin fourteen days after being served with a copy” of a report and recommendation. 28 U.S.C. § 636(b)(1). The district court will make a “*de novo* determination of those portions of the report . . . to which objection is made.” *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *See Thomas v. Arn*, 474 U.S. 140, 149-52 (1985). The Court will

therefore accept the Magistrate's Report and Recommendation of December 20, 2017 as this Court's findings of fact and conclusions of law.

Accordingly, it is hereby **ORDERED** that Magistrate Judge Altman's Report and Recommendation of August 17, 2022 is **ACCEPTED** and **ADOPTED**. It is **FURTHER ORDERED** that Defendant Michigan Department of Corrections' Motion for Summary Judgment is **DENIED**.

IT IS SO ORDERED this 13th day of October, 2022.

BY THE COURT:

/s/Terrence G. Berg

TERRENCE G. BERG

United States District Judge